

_____ BILL NO. _____

INTRODUCED BY _____
(Primary Sponsor)

A BILL FOR AN ACT ENTITLED: "AN ACT ADDING THE TERM "SCHOOL DISTRICTS" TO THE DEFINITIONS OF "STATE AGENCY" AND "PUBLIC AGENCY" FOR PUBLIC CONTRACTS; AND AMENDING SECTIONS 2-18-111 AND 18-1-101, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 2-18-111, MCA, is amended to read:

"2-18-111. Hiring preference for residents of Indian reservations for state jobs within reservation

-- **rules.** (1) A state agency that operates within an Indian reservation shall give a preference in hiring for employment with the state agency to an Indian resident of the reservation who has substantially equal qualifications for the position.

(2) The commissioner of labor and industry shall enforce this section and investigate complaints of its violation and may adopt rules to implement this section.

(3) For the purposes of this section, the following definitions apply:

(a) (i) "Employment" means being employed as a permanent, temporary, or seasonal employee as defined in 2-18-101 for a state position.

(ii) The term does not include:

~~(i)~~ (A) a state elected official;

~~(ii)~~ (B) appointment by an elected official to a body, such as a board, commission, committee, or council;

~~(iii)~~ (C) appointment by an elected official to a public office if the appointment is provided for by law;

~~(iv)~~ (D) engagement as an independent contractor or employment by an independent contractor; or

~~(v)~~ (E) engagement as a student intern.

(b) "Indian" means a person who is enrolled or who is a lineal descendant of a person enrolled upon an enrollment listing of the bureau of Indian affairs or upon the enrollment listing of a recognized Indian tribe, domiciled in the United States.

(c) "State agency" means a department, office, board, bureau, commission, agency, or other instrumentality of the executive or judicial branches of the government of this state. The term includes school

1 districts."

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3 **Section 2.** Section 18-1-101, MCA, is amended to read:

4 **"18-1-101. Definitions.** (1) Unless the context requires otherwise, in this title, "department" means the
5 department of administration provided for in Title 2, chapter 15, part 10.

6 (2) Unless the context requires otherwise, in this part, the following definitions apply:

7 (a) "Goods" means supplies, equipment, materials, commodities, and specially manufactured products.

8 (b) "Nonresident bidder" means a bidder whose residence is not in this state as determined under
9 18-1-103.

10 (c) (i) "Public agency" means a department, commission, council, board, bureau, committee, institution,
11 agency, government corporation, or other entity, instrumentality, or official of the legislative, executive, or judicial
12 branch of this state and its political subdivisions, ~~including. The term includes school districts,~~ the board of
13 regents, and the Montana university system.

14 (ii) Public agency does not include a political subdivision for purposes of 18-1-102(1)(b).

15 (d) "Resident bidder" means a bidder whose residence is in this state as determined under 18-1-103.

16 (e) "Written" means that whenever written or in-writing determinations or documents are required, the
17 public agency responsible for the procurement may specify an appropriate visual medium, such as by computer
18 transmission or by facsimile machine transmission, in the specifications, contract, or rules of the public agency."

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